

RESOLUTION NO. 75609

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE CONTRACT CHANGE ORDER NO. 3 WITH STAR CONSTRUCTION, INC. FOR THE NISICH PARK DEVELOPMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$320,865

WHEREAS, on April 23, 2010, the Director of Public Works awarded a contract for construction of the Nisich Park Development Project ("Project") to Star Construction, Inc. ("Contractor"); and

WHEREAS, during construction and grading of the Project site, soil containing serpentine rock or naturally occurring asbestos was discovered; and

WHEREAS, City and Contractor desire to execute Contract Change Order No. 3 for the Project, which will enable the contractor to complete the disposal of soil containing serpentine rock or naturally occurring asbestos from the Project site to an appropriate waste disposal site and to import clean soil; and

WHEREAS, the City desires to authorize the Director of Public Works to execute Contract Change Order No. 3;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Public Works is hereby authorized to execute Contract Change Order No. 3 with Star Construction, Inc. for the Nisich Park Development Project, in an amount not to exceed \$320,865.

ADOPTED this 26th day of October, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

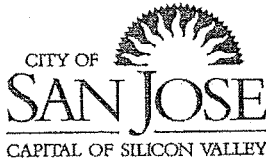


CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk



Department of Public Works

CONTRACT CHANGE ORDER

ORDER NO.: 3

DATE: 10/13/10

PROJECT NAME: NISICH PARK

FILE NO.: 4440

CONTRACTOR: STAR CONSTRUCTION, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

ITEM	DESCRIPTION OF CHANGED WORK	UNIT PRICE	QUANTITY	EXTENSION
1.	Remove and dispose of all existing soil in non-paved areas to a depth of two (2) feet as per RFP No. 2 dated 9/24/10. Existing soil shall be disposed of at a Class III disposal facility. Replace with approved clean import topsoil. Import topsoil shall be as specified in Section 312200, Part 2 and Section 329100 of the Project Specifications. All measures required by the Bay Area Air Quality Management District (BAAQMD) shall be followed and shall be strictly enforced while performing this work as per the guidelines included with RFP No. 2.	Lump Sum	Lump Sum	\$320,865

FUND	R.C.	DETAIL	APPN NO.
385	144205	4081	5558

AWARD OF CONTRACT NO.	AWARD DATE	Total Cost of CHANGE	\$320,865
23212	4/23/10	Total Credit of CHANGE	\$0
I hereby certify that an unexpended appropriation is available in the above fund for the above contract as estimated, and that funds are available as of this date of signature.		Previous CHANGE ORDERS	\$17,828
		Original CONTRACT	\$1,049,500
		CONTRACT Amount to Date	\$1,388,193

Authorized Signature	Date
	10/13/10

ACCEPTANCE

Contractor hereby agrees that the amount set forth herein shall constitute, and accepts such amount as, payment in full for the work described and any associated delay, acceleration, or inefficiency (cumulative or otherwise), including all material, equipment, labor, overhead, other direct and indirect costs, and any other item of pay related to or arising from Contractor's performance of this change order. Contractor further agrees that Contractor is entitled to no additional time or compensation for this change order beyond the amount set forth herein.

The CONTRACT TIME will be increased by sixty (60) calendar days.

Contractor

Division Manager

KATY ALLEN
Director of Public Works

Date